MULTIMEDIA UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

# FINAL EXAMINATION

**TRIMESTER 1, 2018/2019**

## ULT 2612 – LAW OF TORTS I

(All sections / Groups)

15 OCTOBER 2018
Reading Time: 9.00 am – 9.15 am
(15 Minutes)
Answering Time: 9.15 am – 12.15 pm
(3 Hours)

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**INSTRUCTIONS TO STUDENTS**

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with **PART A, PART B** and **PART C**. Students have to answer **one question only** from **PART A and one question only from PART B** and answer **ALL questions** from **PART C**.

3. All questions carry equal marks and the distribution of the marks for each question is given.

4. Please write all your answers in the Answer Booklet provided.

## PART A

**Answer one (1) question only.**

### QUESTION 1A

George is walking along the road when he slips and falls. Frank sees this and goes to help George. While he is helping George to his feet, Ian comes along, and thinking that Frank is trying to rob George, Ian grips Frank by the arm and says, "I am taking you to the police, you thief". Frank struggles to free himself and pushes Ian to the ground. Ian sees a passing policeman and tells him that Frank has tried to rob George and has hit him (Ian). The policeman arrests Frank and takes him to the police station, where is he released after a few hours.

Advise Frank of the legal situation.

**(Total: 25 marks)**

### QUESTION 1B

Oliver is employed as a salesman. He is calling on Peter's shop to sell them some office stationeries, when he sees a gold watch on the floor. He picks it up and hands it to Peter, who takes his name and address. Some three months later, Oliver is passing Peter's shop, when he sees the watch in the windows for sale. Oliver goes in and takes the watch from the window, but Peter grabs the watch from Oliver and there is a scuffle in which Oliver is injured.

Advise Oliver. Would your advice differ if Oliver found the watch behind the counter of Peter's shop?

**(Total: 25 marks)**

## PART B

**Answer one (1) question only.**

### QUESTION 2 A

One day, when walking home, William trips and falls, damaging his knee. Several days later, while driving to work, he sees Victor crossing the road and brakes to avoid running to him. Unfortunately, due to the pain in William's knee, he cannot fully press his brake pedal and as a result he runs into Victor. The collision occurs at a fairly slow speed and a normal person would only have suffered bruising as a result, but Victor has brittle bones and suffers two broken legs and a number of broken ribs. He is taken to the local hospital where, due to an administrative mistake, his right arm is amputated.

Advise Victor.

**(Total: 25 marks)**

**Continued...**

## QUESTION 2 B

Neil, who is an accountant, writes a book entitled *How to Make a Fortune on the Stock Market.* Karen buys a copy from the bookshop and Peter is given a copy as a birthday present. Neil gives a copy to Rachel, his girlfriend, saying "Have a look at this and see how clever I am", and a copy to Terrence, his brother, saying "Follow these tips and you will become a millionaire". Karen, Peter, Rachel and Terrence have followed the advice in the book and have lost a large amount of money, as the book is erroneous in several important aspects.

Advise Karen, Peter, Rachel and Terence.

**(Total: 25 marks)**

## PART C

**Answer ALL questions.**

## QUESTION 3

The Sporting Manufacturing Co Ltd are the owners and occupiers of a football ground provided for the benefit of their employees to which the public are admitted as spectators on payment for a ticket. Consider the liability of the company in the following cases;

a) Ben, a member of visiting team, falls during a match against the company's team and severely damages his knee as a broken bottle has been left on the pitch after a match on the previous day. **(13 marks)**

b) Edward, who has purchased a ticket, is injured by the collapse of a stand when he and other spectators move forward to leave the ground at the end of the match. **(4 marks)**

c) Percy, who has contrived to enter the ground without buying a ticket, trips over the damaged edge of one of the stairways, falls and breaks his leg. **(8 marks)**

**(Total: 25 marks)**

## QUESTION 4

There are a few defences applicable for tort of defamation. Among others, once the defamatory statement is proven to be true, the law will not protect the plaintiff. Besides, a comment which is honestly and fairly made may also absolve the defendant from liability.

Based on the above, discuss the abovementioned defences to defamation with special references to statutory provisions and decided cases.

**(Total: 25 marks)**

**End of page**